

Appeal from decision of California State Office, Bureau of Land Management, declaring unpatented lode mining claims abandoned and void. CA MC 60477 and CA MC 60478.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Abandonment

The failure to file the instruments required by sec. 314 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1 and 3833.2 in the proper Bureau of Land Management office within the time periods prescribed therein conclusively constitutes abandonment of the mining claim by the owner.

APPEARANCES: Louise P. Shultis, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Louise P. Shultis appeals from the June 1, 1981, decision of the California State Office, Bureau of Land Management (BLM), which declared the Black Jack Jerome and the Uncle Sam lode mining claims, CA MC 60477 and CA MC 60478, abandoned and void because evidence of assessment work or notice of intent to hold the mining claims for the period ending September 1, 1980, had not been filed with BLM on or before December 30, 1980, as required by the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744 (1976), and the regulation 43 CFR 3833.2-1.

Appellant states that the required documents inadvertently were not submitted to BLM after being recorded in Mariposa County, California.

[1] The above-cited statute and regulation impose a conclusive presumption of mining claim abandonment for any failure to file the required instruments in the proper BLM office by the date on which they are due. The Board has no authority to excuse lack of compliance with the statute or to afford relief from the statutory consequences. Lynn Keith, 53 IBLA 192, 88 I.D. 369 (1981). Appellant should confer with BLM about the possibility of relocating her claim.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Douglas E. Henriques
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

C. Randall Grant, Jr.
Administrative Judge